

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

By this amendment, claim 25 has been cancelled. According, Claims 18-24 and 26-34 remain pending in the application.

Priority

As required under 35 U.S.C. 371, a copy WO2004111953 is hereby submitted with this Amendment. A certified copy of FR0307290 is not required because this is a National Stage Application Under 35 U.S.C. 371.

Information Disclosure Statement

As suggested by the Examiner, the copies of the cited foreign patent document are hereby submitted with this Amendment.

Claim Objections

Claims 18, 26 and 34 are objected to because of the informalities that each claimed limitation not being separated with a semicolon. In response, claims 18, 26 and 34 have been amended, such that each claimed limitation is separated with a semicolon.

Claim Rejections – 35 U.S.C. § 112

Claims 18 -25 are rejected under 35 U.S.C. 112 second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter which applicant regards as the invention. In response, claims 18, 26, 33 and 34 have been amended to overcome the indefiniteness, and claim 25 has been cancelled. Accordingly, Applicants respectfully request the withdrawal of the indefiniteness rejection of claims 18-25.

Claim Rejections – 35 U.S.C. § 102

Claims 18-20, 22-28 and 30-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujio (US 6,189,081). In response, claim 18 has been amended to include further limitations and is now believed patentable over Fujio for the reasons discussed below.

Fujio teaches a semiconductor storage, which comprises storage blocks each having one or more storage units. However, Fujio fails to disclose, teach or suggest that “the number of excess memory space P being at least equal to the maximum number of records or the group of records likely to be updated simultaneously in a write operation,” as recited in claim 18.

Fujio appears to disclose means for comparing the size of the data to be written with the size of the blocks and the size of the storage units and calculating the required number of the blocks and the storage units. As disclosed in Abstract and illustrated in Fig. 7 of Fujio, if the size of the data is larger than one block, required number of erase block will be calculated; if the size of the data is smaller than one block, the data is written into the writable storage units.

In fact, nowhere does Fujio disclose or suggest a memory space exceeding the total records of the file. As described at column 8, lines 24-26 of Fujio, the controller selects a writable cluster of the size closest (most preferably equal) to the size of the data remainder. It is clear that Fujio merely teaches allocating memory units for storing an incoming data file. Fujio does not need to, and will not suggest to, preserve memory space for previously stored data.

In contrast, as described in the present application, one of the main problems solved by the present invention is to update data in a memory card and to keep the complete initial data. Thus, to make sure that the initial state of the data can be returned if any problem occurred during the transaction. The amount of the exceeded memory space is allocated at least equal to the maximum number of records necessary to update the data without any data lost, if a problem occurs during the transaction. If the transaction is not complete, the file descriptor reference written at the end of the transaction still indicates the reference of the old data. The file stays on its initial state

without any further operations.

Based on the afore-mentioned reasons, Fujio fails to disclose all of the limitations recited in claim 18. Accordingly, the rejection of claim 18 should be withdrawn.

Claims 19, 20 and 22-24 recite additional, important limitations and should be patentable for the reasons discussed above with respect to claim 18 as well as on their own merits.

Claims 26 and 34 include similar limitations as claim 18. Thus, claim 26 and 34 should be patentable for the reasons discussed above with respect to claim 18 as well as on their own merits.

Claims 27-33 are dependent on patentable independent base claim 26, and should be patentable for the reasons discussed with respect to claim 26 as well as on their own merits.

Claim Rejections – 35 U.S.C. § 103

Claims 21 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujio (US 6,189,081) in view of Tate et al (US 5,991,774). Applicants respectfully traverse this rejection.

Claim 21 is dependent from patentable base claim 18; claim 29 is dependent from patentable base claim 22. Thus, claim 21 and 29 should be patentable for the reasons that they depend from allowable base claims as well as on their own merits. Accordingly, the obviousness rejection of claims 21 and 29 should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of

record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP



Kenneth M. Berner
Registration No. 37,093

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: March 28, 2008
KMB/SY/ser